GENERAL AND REVENUE SECRETARIAT.

1900-11
(Gen Jud)

P:14/E

File No. 309-10

Serial Nos. 3, 4 & 6

Papers Filed.

Month March 1911

SUBJECT.

Re, loan to Dawood Sab, informs the Deputy Comr of Mysore that no amount more than what has been decreed by Court, can be claimed and the figure to be entered in the appln must be calculated on the basis of the decree alone.

PREVIOUS REFERENCES.	LATER REFERENCES.
	B May 12. 85 5, 7, 8, 9, 10, 10(a), 11 & 12. G. 7 309-10

G.R.S. 11] 190 -11

GENERAL AND REVENUE SECRETARIAT.

(Gen Fin)

NOTES.

File No. 309

FILE HEADING.

Re Loan to David Sab

From

The Comptroller

No. 5264/976 Dated 8/13. 3. 1911 Received

Diary No. 3662	Enclos.	Spare Copies	Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards Dy com^r's letter n^o 474 dy 1/3/11 re certain discrepancy in the balance recoverable from David Sab and stating that the Deputy Commissioner may be directed to include (Rs 360-7-9) the court-cost awarded by the Court to ~~include~~ in the amount in the Execution application

NOTES AND ORDERS.

4 From the Deputy Commissioner Dr-
n^o 522 dy 16/3/1911. - Solicits orders on
Comptroller's letter (Supra) dy 10/3/1911. to
facilitate very early disposal of the case
From the Dy com^r 575 dy 27/3/1911 - Reminder

NOTES—First sheet

GPB—15,000—24-4-09.

Serial No.

The Circumstances under which a Court decree had been ~~obtained~~ obtained against David Sab are briefly stated in Dy Comr Lettr no 429 of 30/1/1911 when he solicit the approval of Govt to the Conversion of the Existing decree ~~into~~ against David Sab into an instalment decree -

The point for orders in the present communication is ~~Whether~~ ~~time must be entered in the application~~ ~~whether the Court cost of Rs 360-0-0~~ ~~awarded by the Court is to be~~ together with interest thereon ~~now to be made to the Court, whether~~ ~~included along with interest thereon~~ ~~that based on the Decree or on the Comptrollers~~ ~~is the Executive application which~~ ~~account~~ ~~is proposed to prefer before~~ ~~the~~ date of ~~the~~ ~~Constitution of the existing decree~~ ~~against David Sab expires. As the amt~~ ~~is~~ ~~recoverable from David Sab~~.

The Comptroller suggests that the Dy Comr Mysore may be directed to recover the Court costs awarded by the Court besides the due which David Sab is liable to pay Govt in respect of ~~the~~ his loan account.

Subd for orders. The date of expiry of limitation is stated to be an early date in April 1911

N-36
29/3

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

Q

The matter is perfectly clear. The amount to be entered must be based on the Court decree only and not on any other basis. Mr. advocate Krishnamachar has plainly pointed this out.

Mr. S.
29/3/11

Please put up a draft stating that the amount of the decree should be received & credited.

Draft
Ltd.
29/3/11

Adopt

Draft Ltd.

Mr
30/3/11

Hkey be processed.

K
30.3.11

Mr
30/3/11

6 To the Dy. Cr. Mysore Dt.

No. H 4579 of 30.3.11

Informing him that no amount more than what has been decreed by Court can be claimed and the figure to be entered in the affdt. must be calculated on the basis of the decree alone.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G.7. 309-10
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D 3662 47

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government.

No. S-264 C 1/11 OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 8th March *19*11.

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

To

.....C.S.Balasundaram....Iyer.....ESQ.,B.A.,
Secretary to the Government of Mysore,
General and Revenue.....*Department.*

SIR,

In forwarding herewith letter No.474 of the 1st Instant from the Deputy Commissioner, Mysore District, pointing out certain omissions in the loan account of Davud Sab, has the honor to state that only ... such amounts as have been sanctioned as loan and debited in the Treasury accounts as such pass through the loan account of this office. The amount of Court costs not being one of such items, has not found a place there, and the small difference of 0-4-9 in the loan accounts proper seems to have occurred in the Deputy Commissioner's Office while filing the suit. The statement of account forwarded to the Deputy Commissioner with this office No.3750/688 of the 19th December 1910 is correct so far as the loan account proper is concerned.

It will thus be seen that the balance of the loan proper as given by the Deputy Commissioner practically agrees with the figures of this office and as regards the recovery of the Court costs with interests thereon, although the amount is not included in the loan account of this

office

Rec.—Gl. 18]

.....Department.

19

From

J. S. CHAKRAVARTI, Esq., M.A.,
F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

.....Esq.,

Secretary to the Govt. of Mysore,

.....Dept.

Dated

Despatched 13/2

Received

No. 5264 1/2
976

Subject-matter.

Regarding the loan account of Davood Sab Mysore

—u—

GPB—1,000—28-6-09

office, it is certainly recoverable from Davud Sab according to the Court decree and the Deputy Commissioner may therefore be directed to include this amount also in the execution application.

I have the honor to be,

Sir,

Your most obedient servant,

Comptroller.

From E. J. S. Rao, Esq., B.A.
CIVIL BRANCH,
BANGALORE.
COMPTROLLER'S OFFICE
MYSORE GOVT.

2. M. Rajaraj Urs Esq., B.A
Deputy Commissioner,
Mysore District.

C. S. Balakrishnaswamy Esq., B.A
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated
Despatched 18th March 1911
Received
General No.
No.
Enclosure No. 1 & 2

Solicitorship instructions as to whether the figures of the Comptroller should be adopted in the execution petition against Dasara Subbayya

No. 474
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
1st March 11
Dated Mysore Camp 191

FROM

M.Kantharaj Urs ..... Esq., B.A.
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S.Balasundram Iyer ..... Esq., B.A.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Thro: The Comptroller
Mysore Government.

SIR,

In submitting herewith the file of correspondence ending with the Public Prosecutor's letter No.179 dated 15.2.1911 re the particulars of the transactions of the Loan Account of Davud Sab, I have the honor to state that the adjustments communicated by the Comptroller in his docket No. 3750 dated 19.12.1910 seem to be inaccurate in the following respects:-

1. The amount for which the suit ought to have been preferred was Rs.8199-12-3. As at the time of suit, only Rs.8199-7-6 was shown as due from the defendant , it appears that we cannot now claim the difference of 0-4-9, which is too trifling to deserve any serious notice.

2. The costs viz. Rs.360-7-9 awarded by the Court in Os. No 8 of 1904-05, have not been taken into account by the Comptroller in making the adjustments.

3. On account of these, the Comptroller's figures show about Rs.414-5-7 less than is really due on 4.1.1911; about Rs.53-13-10 being interest and Rs.360-7-9 being court costs.

I therefore beg to submit herewith a statemtn showing the transactions of the Loan account of the individual as prepared in this office, with a request that you will

be

be so good as to issue instructions as to whether the figures arrived at in this office might be adopted in filing the execution application.

As the decree will become barred by limitation if the excution application is not filed in time, which falls somewhere in the earlier part of April 1911, orders are solicited, before the end of March 1911.

I have the honor to be

Sir,

Your mosto obedeint servant

Deputy Commissioner

Mysore District.

II
19[illegible]

97-309-10
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190

From M. Kantaraj Urs Esq., B.A.
Deputy Commissioner,
Mysore District.

To C.S. Baladundaram Iyer Esq., B.A.
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 16th March 1911

Despatched

Received

General No. 522
No.

Enclosure No.

Forwarding a copy of
docket to the Comptroller
re Dasred Sab's accounts
and soliciting instructions
as to the figures to be
adopted.

GBPM—21-9-1910—1,000.

No. 522
Enc. No. 1

OFFICE OF THE Deputy Commissioner,
MYSORE DISTRICT,

Dated Mysore Camp 16th March 1911 191

FROM

M.Kantaraj Urs Esq., B.A.
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S.Balasundaram Iyer Esq., B.A.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honour to forward copy of my office docket No.5809 dated 16-3-1911 to the Comptroller suggesting certain alterations in Davood Sab's account & referred to his letter No. 6265/476 dated 8/13-3-1911 to you, so as to facilitate very early disposal of the case in order to enable me to file an execution application before the period of limitation expires.

I have the honour to be,

Sir,

Your most obedient Servant,

Deputy Commissioner
Mysore District.

From

The Deputy Commissioner,

Mysore District.

To

The Comptroller

Mysore Government, Bangalore.

Dated 16th March 1911

Despatched.

No. 5809.

Enclosures:-

His Memo No. 5265 dated 8-3-11 forwarding copy of his letter No. 6265/976 dated 8/13-3-1911 to the Secretary re the amount to be claimed from Davood Sab in the execution application to be filed against him.

----------o----------

With reference to the above has the honou to state that it is not clear from his letter to the Secretary whether he suggests to Government that the figures supplied by this office should be adopted, or whether the figures supplied by his office should be adopted with an addition Rs 360-7-9 for Court costs.

It will not do merely to add on the Court costs to his office figures, as then the extra sum of Rs 53-13-10 which is claimable as interest according to the statement sent with this office letter No. 474 dated 1-3-11 will still be left out.

This will not of course be the case if the court had decreed interest on costs but this it does not seem to have done, as will be seen from the copy of decree sent with the letter quoted above. Therefore the

the appropriation of the payments by Davood Sab has necessarily to be made as suggested by this office and he is requested to kindly write to Government to the same effect as early as possible so as to ensure the passing of final orders by Government before the end of March.

SD/- M.Kantaraj Urs

Deputy Commissioner,
Mysore District.

"C O P Y"

Deputy Commissioner,
Mysore District.

J2436.

III/280 Hr Ch/ 190 D3873

From
H. Kantaraj Urs Esq., B.A
Deputy Commissioner,
Mysore District.

To
C.S. Balasundaramiya Esq., B.A,
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 27th March 1911.

Despatched

Received

General No.

No.

Enclosure No.

Soliciting early orders in the matter of Daud Sab's Exemption Application

Govt

No. 545
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 27th March 1911.

FROM
M. Kantaraj Urs Esq., B.A
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To
C.S. Balasundaram Iyer Esq., B.A.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to invite kind reference to my letters no. 474 and 522 of the 1st and 16th instant respectively requesting instructions as to whether the amount recoverable from David Sab, as shown in the statement prepared in this office might be adopted in filing the execution application and to request the favour of very early orders in the matter so as to enable me to file the execution Application before the period of limitation expires.

I have the honor to be
Sir
Your most obedient Servant

for Deputy Commissioner
Mysore District.

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to 2486

No. 2457 C

30-3-11

General and Revenue Secretariat

( )

, the 19

To The Deputy Comr
Mysore Dt

Date of issue 30-3-11

Sir

Signed by W L Narasimhachar

With reference to correspondence ending with your letter no 545 dy 27.3.1911, in the matter of the amount to be entered in your application to the Court to convert the existing decree ~~order~~ against Dawood Sab into an instalment decree, I am directed to inform you that as has

over.

SUBJECT.

30/3/11

been pointed out by m
/hn Chamachar, Advocate
no amount more than
what has been decreed by
the Court can be claimed and
the figure to be entered
in the application therefor must
be ~~been~~ Calculated on
the basis of the decree alone

The enclosures to your
letter No 474 Dy 18th March 11 are herewith
ed.

I have &c

for Fin Secy.

List of enclosures,

Copied by

Examined by

GPB—20,000—12.8.10